

Amendment After Final Rejection
Serial No. 09/430,536

PHA-23,819

REMARKS

Entry of this amendment, reconsideration and withdrawal of all grounds of objection and rejection, and allowance of all the pending claims are respectfully requested in light of the above amendment and the following remarks. Claims 1, 2, 4-9, 11-14, 16-22 and 24-32, as shown above, remain pending herein. Claims 10 and 15 have been cancelled without prejudice or disclaimer. Claim 33 has been added, support for which is clearly found in the specification at least at page 10, lines 4-11,

Claim 1 stands rejected under 35 U.S.C. §112, first paragraph. Applicants respectfully traverse this ground of rejection. It is alleged in the Final Office Action that the specification fails to provide support for a recited two-way communications link that includes means for simultaneous broadcast of a plurality of different software applications via a plurality of broadcast channels in communication with the return channel, and each respective portable client includes selective tuning capability to selectively receive any of the plurality of channels over the return channel.

Applicants have amended claim 1 to recite that the two-way communications link includes means for sending a plurality of different software applications over the return channel that is in response to a communication from a respective client comprising a selection made via said forward channel.

Applicants respectfully submit that claim 1 is clearly enabled by the specification at least at page 5, lines 6-14. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Amendment After Final Rejection
Serial No. 09/430,536

PHÁ-23,819

Claims 1-2, 4-22, and 24-30 stand rejected under 35 U.S.C. §103(a) over Arai et al. (U.S. 6,532,591, hereinafter "Arai"), in view of Dillon (U.S. 6,571,296) and further in view of Casagrande et al. (U.S. 6,049,892, hereafter "Casagrande"). Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that none of the instant claims would have been obvious to a person of ordinary skill in the art in view of the combination of Arai, Dillon and Casagrande.

In the process of laying out the combination rejection, it is alleged in the Office Action that Arai is silent with regard to providing a two-way communications link separate from a broadcast system, but that Dillon allegedly discloses a two-way communications link separate from the broadcast system. Then, it is further alleged in the Office Action that the combination of Arai-Dillon fail to disclose retransmission of predetermined portions of lost corrupted data, but that Casagrande automatically retransmits a download should a failure occur.

Applicants respectfully submit that the Office Action fails to set forth a proper *prima facie* case of obviousness under 35 U.S.C. §103(a) in part because the combination of references fails to disclose/suggest or provide motivation of certain aspects of the claimed invention.

In other words, Applicants respectfully submit that the allegation of obviousness in the Office Action is incorrect because the combination of Arai, Dillon and Casagrande fails at least to disclose the recitation of instant claim 1 that:

said two-way communications link being separate from the broadcast system, wherein the two-way communications link includes a forward channel over which the portable

Amendment After Final Rejection
Serial No. 09/430,536

PHA-23,819

data communications device can transmit client data to the network control system, and the return channel over which the network control system can transmit data to the portable communications device selected from a plurality of channels.

To clarify, the combination of references fails at least to disclose/suggest or provide motivation for the above recitation because: (1) Arai is admittedly silent with regard to a two-way communications link; (2) Dillon clearly discloses "a satellite interface between the source computer and the destination computer, wherein information passes from the source computer to the destination computer" and "means for receiving an information packet sent from the source computer in response to the request and for sending the information packet to the destination computer over the satellite interface" (emphasis in underlining added, col. 1, lines 65-67, and col.2, lines 1-7); and (3) Casagrande merely discloses automatic retransmission of corrupt data.

One reason why the combination fails to disclose/teach or motivate what it is credited with in the Office Action is because the Dillon reference actually discloses "how a request from a hybrid terminal 110 is carried through the Internet 128 to application server 140 and how a response of the application server 140 is carried back to the user at hybrid terminal 110 VIA THE SATELLITE LINK" (col. 4, lines 35-41, emphasis in underlining and boldface added by Applicant). Thus, it is incorrect for the Office Action to allege that the combination of Arai, Dillon and Casagrande discloses a "two-way communications link separate from the broadcast system) because in Dillon the hybrid terminal 110 to server 140 via the Internet is at best, one way in that the data is sent via the satellite link (broadcast system). Where does the combination of

Amendment After Final Rejection
Serial No. 09/430,536

PHA-23,819

Arai, Dillon and Casagrande disclose, suggest or motivate the artisan to provide a separate two-way communications link comprising a forward channel as instantly claimed, and wherein the return channel is adapted as in the presently claimed invention? The combination of Arai/Dillon/Casagrande is completely silent in this regard.

Moreover, the retransmission disclosed by Casagrande is over the same link, not a two-way communications link separate from the broadcast system.

Reconsideration of all grounds of rejection under 35 U.S.C. §103(a) are respectfully requested. Applicants also respectfully submit that base claim 21 is believed to be allowable for similar reasons as claim 1, and dependent claims 2, 4-20 and 22, 24-32 are allowable at least for dependence on one of claims 1 and 21, which are believed to be allowable for the reasons previously indicated, and because of a separate basis for patentability as well.

For at least the above reasons, Applicants respectfully submit that all grounds of rejection under 35 U.S.C. §103(a) have been overcome. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

Claims 31 and 32 stand rejected under 35 U.S.C. §103(a) over Metz et al. (U.S. 5,978,855, hereafter "Metz") in view of Dillon and further in view of Casagrande. Applicants respectfully traverse this ground of rejection.

Applicants respectfully submit that the combination of Metz/Dillon/Casagrande is flawed for the same reasons as indicated above with the incorrect interpretation of what is taught by Dillon, thus the combination of references fails to obviate any of the instant

Amendment After Final Rejection
Serial No. 09/430,536

PHA-23,819

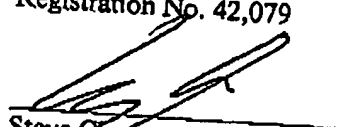
claims. Reconsideration and withdrawal of this ground of rejection are respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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